

AD-HOC ENVIRONMENTAL PLANNING AND PERMITTING WORK GROUP

DECEMBER 2020



Agenda

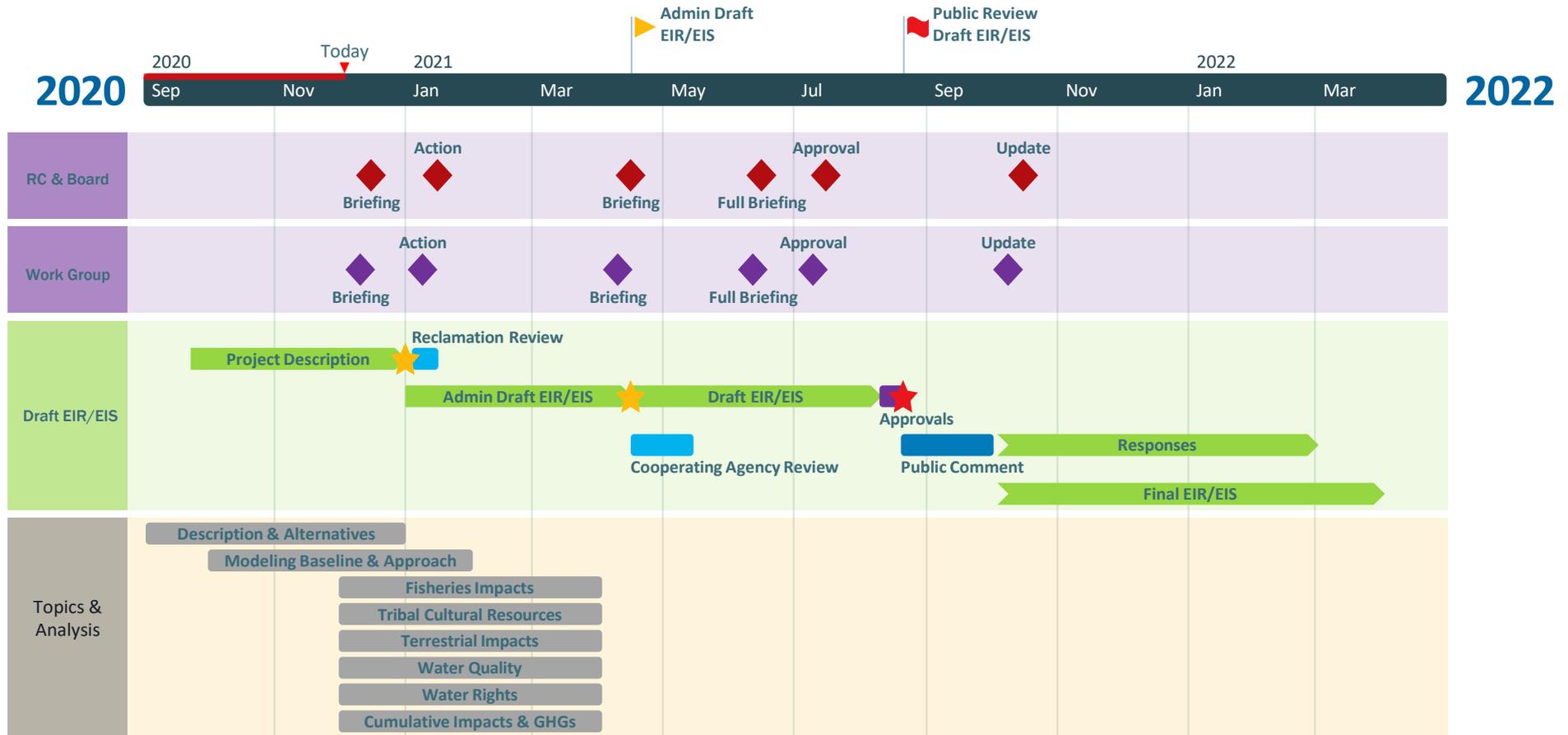
- Revised Draft EIR/Supplemental Draft EIS
 - Schedule and Progress Reporting Dashboard
 - Alternative 3 – Reclamation Investment at 25%
- Permitting
 - Section 404/401
- Schedule and Dashboard Update
- Upcoming Priorities and Timing of Next Meeting

Revised Draft EIR/Supplemental Draft EIS

Discussion Goals

1. Schedule and Progress Reporting Dashboard
 - Review and provide input on schedule and progress reporting
2. Alternative 3 – Reclamation Investment at 25%
 - Provide input on the proposed Alternative 3

Revised Draft EIR/Supplemental Draft EIS – Timeline



Potential Cooperating Agencies for NEPA Review: BIA, USEPA, WAPA, USFWS, NMFS, USACE, and three federally recognized tribes.

Revised Draft EIR/Supplemental Draft EIS – Progress Reporting Dashboard

Key

- Prepared:** Internal work by team
- Presented:** Provided to agencies for review
- Reviewed:** Reviewed and discussed with agencies
- Revised:** Agency comments considered and addressed
- Resolved:** Agency issues/concerns discussed and resolved
- Deferred:** Deferred to further negotiations after application
- Confirmed:** Agencies have confirmed acceptance/agreement

- Complete** Activity completed
- In Process** Activity in progress
- Challenge** Team and agencies discussing how to resolve issues
- Roadblock** Significant issues slowing progress; escalation may be needed

Permit	Summary Status	Permit Topics/Considerations	Agreement Status with Agencies						
			Prepared	Presented	Reviewed	Revised	Resolved	Deferred	Confirmed
EIR/EIS Reclamation & Cooperating Agencies		Project Description & Alternatives							
		Modeling Baseline & Approach							
		Fisheries Impacts							
		Tribal Cultural Resources							
		Terrestrial Impacts							
		Water Quality							
		Water Rights							
		Cumulative Impacts & GHGs							

Proposed Alternative 3 – Current Limitations

- Alternative 1 and 2 include a range of \$0 to \$200 million in Federal investment
- WIIN Act authorizes up to 25% Federal investment for state-led projects
 - Federal feasibility report is expected to identify 25% Federal investment
 - About \$760 million for the project, subject to available funding
- Challenge – No CEQA or NEPA coverage for Federal investment above \$200 million in current Alternatives 1 and 2

Proposed Alternative 3 – Potential Solution

- Proposed new Alternative 3
 - Federal investment at 25%
 - Same physical facilities as Alternative 1
 - Same diversion criteria as Alternative 1 and 2
 - Modified project operations with the potential for increased carryover storage in Shasta Lake as a result of the increased Federal investment
 - Use of Reclamation's Sites water in a similar manner to how this water is used in the project's federal Feasibility Report (i.e., operational flexibility)
- Brackets the range of possibility for federal investment
- Would not change the Authority's preferred project (Alternative 1)

Next Steps

- Complete EIR/EIS Chapter 2, Alternatives
 - Including Alternative 3 and description of proposed operations
 - Return in January with briefing and recommendation to post on Authority's website
- Continue ongoing analysis and chapter preparation
- Outreach with NGOs and Cooperating, Responsible and Trustee Agencies

Permitting

Discussion Goals

- Overview of Clean Water Act (CWA) Section 404 / 401 requirements and process
- Delineation Approach
 - Agreement with U.S. Army Corps of Engineers (USACE)
 - Discussions with State Board on approach
- Upcoming Activities / Next Steps

CWA Section 404: Discharges of Fill Material in Waters of the U.S.

- 404 Permitting Process / Steps:
 - Pre-application meeting
 - 404 Permit Application submitted to USACE
 - USACE publishes public notice on their website
 - Consultation with other agencies
 - Prepare permit decision documentation
 - Public interest review
 - 404(b)(1) alternatives analysis
 - NEPA compliance (EIS)
 - Compliance with related laws (e.g., CWA 401, Endangered Species Act, National Historic Preservation Act, etc.)
 - Compensatory mitigation
 - Issue or deny permit

CWA Section 401: State Water Quality Certification (WQC) of Federal Action

- 401 Permitting Process / Steps:
 - Pre-application coordination meeting
 - WQC Application submitted to State Water Resources Control Board (SWRCB)
 - SWRCB posts a Section 401 public notice on their website
 - Prepare water quality certification
 - 404(b)(1) alternatives analysis
 - CEQA compliance (EIR)
 - Compensatory Mitigation Plan
 - Issue or deny Water Quality Certification

Relevant Regulatory Changes

- May 28, 2020: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State
- June 22, 2020: Navigable Waters Protection Rule (waters of the U.S.)
- September 11, 2020: New 401 Rule (see 40 CFR Part 121)

Approach – Wetland Delineation

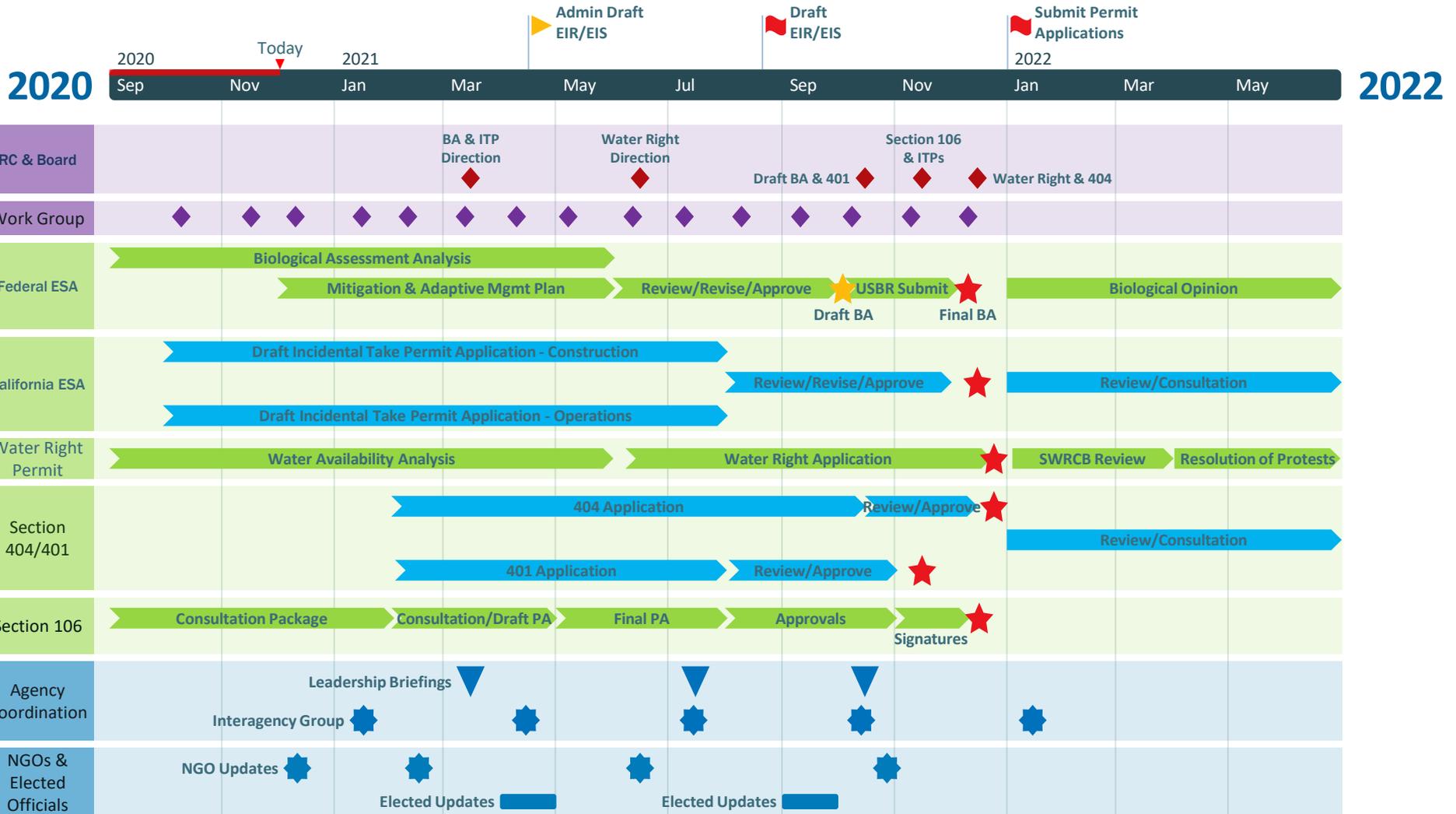
- Wetland delineation required for application
- Limited to no access to private property
- USACE accepted desktop delineation approach
 - Benefits:
 - Planning purposes, application, alternatives analysis
 - Disadvantages:
 - Over mitigating
 - Delay in obtaining permit until delineation verified

Section 404 / 401 – Current and Upcoming Activities

- Established 404 / 401 working group
- Pre-application meeting – February 4
 - Introduce the Sites Project and Sites Authority to the regulatory agencies
- Complete desktop delineation prior to pre-application meeting
- Prepare 404 application and supporting documentation (e.g., compensatory mitigation plan)
- Schedule meeting with water board ahead of pre-application meeting.

Schedule and Dashboard Update

Schedule Update



Dashboard Update

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Biological Assessment/ Biological Opinion Reclamation USFWS NMFS		Project Description							
		Species List							
		Terr. Species Modeling Approach							
		Aquatic Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
		Essential Fish Habitat Analysis							
		Construction Effects Analysis							
		Aquatic Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Incidental Take Permit – Construction CDFW		Project Description							
		Species List							
		Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Incidental Take Permit – Operations CDFW		Project Description							
		Diversion Criteria							
		Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Water Right Permit SWRCB		Water Availability Analysis							
		Draft Water Right Application							
		Internal Review/Revise							
		Submit Water Right Application							

Dashboard Update

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Clean Water Act - Section 404 USACOE	●	Desktop Wetland Delineation							
		LEDPA* Analysis 404 Permit Application Compensatory Mitigation Plan Internal Review/Revise Approve/Submit 404 Application							
Clean Water Act - Section 401 SWRCB	●	Pre-Application Meeting							
		Draft 401 Application Review/Revise Approve/ Submit							
Section 106 Consultation Reclamation SHPO Tribes	●	Consultation Information Package							
		Phased Identification Work Plan Draft Programmatic Agreement Consultations Final Programmatic Agreement Reviews Final PA for signature Execution							
EIR/EIS Reclamation & Cooperating Agencies	●	Project Description & Alternatives							
		Modeling Baseline & Approach Fisheries Impacts Tribal Cultural Resources Terrestrial Impacts Water Quality Water Rights Cumulative Impacts & GHGs							

Final Stretch . . .



Upcoming Work and Priorities – Dec./Jan.

- Complete Draft Project Description for the EIR/EIS and Biological Assessment
- EIR/EIS:
 - “Batch 1” chapter review
 - Begin operations analysis and drafting operations-related chapters
 - NGO December workshops and prep for January/February focused technical discussion

Upcoming Work and Priorities – Dec./Jan.

- Permitting:
 - BA/ITP:
 - Continue construction desktop analysis
 - Begin operations analysis
 - Continue discussions on operations criteria with agencies
 - 404/401 – Continue desktop analysis and finalize desktop delineation; final prep for pre-application meeting; initiate discussions with State Board
 - Section 106 PA – Prepare consultation information package
 - Water Rights – Begin Water Availability Analysis; initiate discussions with State Board staff on approach and key parameters

Timing of Next Meeting

- Next meeting – Target week of January 11th
 - Topics –
 - EIR/EIS project description with operations
 - EIR/EIS development update
 - BA and ITP analysis update

Thank you!

